

PATENT

REMARKS:

At the time of the Office Action, claims 1-22 were pending and considered by the Examiner. Claims 1, 4, 5, 8, 10-15 and 19 stand rejected. Claims 2, 3, 6, 7, 9, 16-18 and 20-22 stand objected to, but have been found to contain allowable subject matter. Pursuant to this Amendment, claims 1, 2, 15, 16 and 20 have been amended. Claims 1-22 remain pending in the subject application.

Objected to claims 2 and 16 have been rewritten in independent form. Thus, claims 2 and 16 are allowable. Claims 3, 6, 7, 9, 17 and 18 depend from one of claims 2 and 16, and, therefore, are allowable for the same reasons applied thereto, as well as for the additional subject matter recited in each.

The Examiner has objected to FIG. 1. The Examiner indicates that the reference character 2 is not mentioned in the description. However, as noted on page 2, paragraph [006], FIG. 2 is a cross-section view of the invention of FIG. 1 taken at line 2-2 in FIG. 1. Thus, reference characters 2 are properly shown in the drawings and referred to in the description. Accordingly, removal of the objection is respectfully requested.

Claims 1, 15 and 20 have been amended to address the Examiner's concerns under 35 U.S.C. 112. Thus, removal of the 112 rejection is respectfully requested. Since claim 20 has not been rejected for any other reason, claim 20 is now in condition for allowance. Claims 21-22 depend from claim 20 and, therefore, are allowable for the same reasons applied thereto, as well as for the additional subject matter recited in each.

Claims 1, 4, 12 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Iyeta (U.S. Patent No. 4,250,380). Claims 5, 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Iyeta in view of Tham (U.S. Patent No. 5,313,069). Claims 1, 4, 8, 12, 14, 15 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Guzik et al. (U.S. Patent No. 6,015,970). These rejections are traversed for at least the following reasons.

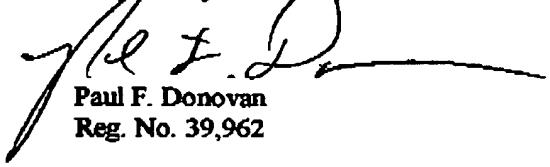
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Without agreeing with the Examiner as to what is or is not taught by the art of record, claims 1 and 15 have been amended to more clearly define what it is the applicants regard as their invention. More specifically, claims 1 and 15 have been amended to recite that the optical member has a substantially solid cross-section where light from the light emitting device travels through. In addition, claims 1 and 15 have been amended to further recite that light from the light emitting device travels through the optical member and to the light receiving device, such that the amount of light collected by the light receiving device and the output voltage transmitted by the light receiving device varies based on the thickness of the optical member in relation to its position between the light emitting device and the light receiving device and the light traveling therethrough. Such limitations, in combination with the other limitations set forth in claims 1 and 15, are not taught or suggested by the art of record. Thus, claims 1 and 15 are patentable over the art of record.

Claims 4, 5, 8, 10-14, and 19 depend from one of claims 1 and 15, and, therefore, are allowable for the same reasons applied thereto, as well as for the additional subject matter recited in each.

No new matter has been added by way of the amendments and remarks made herein. Reconsideration and allowance of all the remaining pending claims are respectfully requested. In the event that there are any issues that can be addressed and expedited by telephone conference, the Examiner is invited to telephone the undersigned at the number indicated below.

Respectfully submitted,



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